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August 2, 2007

### BY CM/ECF

The Honorable Joseph J. Farnan Jr.  
United States District Court  
844 North King Street  
Wilmington, DE 19801

Re: *Iovate Health Sciences USA, Inc., et al. v. WellNx Life Sciences Inc., et al.* —  
C.A. No. 07-286-JJF

Dear Judge Farnan:

I write on behalf of Plaintiffs Iovate Health Sciences U.S.A., Inc., Iovate Health Sciences International, Inc., Iovate T & P, Inc., FLAMMA Spa, and Use Techno Corporation, (collectively "Iovate") in response to the Court's Remark dated August 2, 2007 striking Plaintiffs' Motion for Enlargement of Briefing Schedule In Order to Permit Jurisdictional Discovery Necessary to Respond To Defendants' Motion to Dismiss (D.I.20) for failure to comply with the Court's standing order on non-case dispositive motions.

Although this Motion is non-dispositive, Plaintiffs were required to file it on July 27, 2007 in order to timely respond to the Individual Defendants' Motion to Dismiss, as Plaintiffs' answering brief was due on that date. Plaintiffs could not file a meaningful response to that motion absent jurisdictional discovery, and therefore filed a motion for an extension as it relates to the motion to dismiss and for an order permitting jurisdictional discovery.

Due to the Court's requirement under the Standing Order for non-case dispositive motions in patent cases that all briefing must be completed 5 days prior to the noticed motion date, Plaintiffs could not notice the motion for the Court's August 3, 2007 motion day. The next available motion day was outside the 30 day window provided by the Court's Order.

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Iovate, therefore, respectfully requests to be allowed to conduct jurisdictional discovery of the individual defendants in order to adequately respond to Defendants' Motion to Dismiss (D.I. 13) and to be granted a corresponding extension of the time in which to respond fully to Defendants' Motion until after jurisdictional discovery is completed. We plan to re-file our motion for jurisdictional discovery and an extension within the 30 day window unless we are advised otherwise by the Court.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Karen E. Keller".

Karen E. Keller (#4489)

cc: Clerk of the Court (by CM/ECF and hand delivery)  
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